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Attorneys for Defendant Noël Andrews

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

PHILIP SMITH, an individual,

Plaintiff,

v.

RYAN COMPTON, an individual;  
NOEL ANDREWS, an individual;  
MONA VOGEL, an individual; and  
DOES 1-100, inclusive,

Defendants.

Case No. 2:22-cv-08439 MWF (PLAx)

*[Assigned for all purposes to Hon. Michael W. Fitzgerald]*

**DEFENDANT NOËL ANDREWS'S  
NOTICE OF SPECIAL MOTION  
AND SPECIAL MOTION TO  
STRIKE THE FIRST AMENDED  
COMPLAINT PER FED. R. CIV. P.  
12(b)(6) AND CCP § 425.16 &  
REQUEST FOR SANCTIONS**

Date: January 23, 2023

Time: 10:00 a.m.

Crtrm.: 5A

[Memorandum of Points and  
Authorities in Support, Declaration of  
Charles G. Smith, Declaration of Noël  
Andrews, and Proposed Order filed  
concurrently therewith]

**NOTICE OF MOTION AND MOTION/RELIEF SOUGHT:**

**PLEASE TAKE NOTICE** that on January 23, 2023 at 10:00 a.m., or as soon  
thereafter as the matter may be heard before the Honorable Michael W. Fitzgerald,  
Judge Presiding, in Courtroom 5A in the United States District Court for the Central  
District of California, located at 350 West First Street, Los Angeles, CA 90012,  
Defendant Noël Andrews (“Andrews”) will and hereby does move the Court,

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1 pursuant to Federal Rule of Civil Procedure 12(b)(6), for a Special Motion To Strike  
 2 in accordance with California Code of Civil Procedure (“CCP”) § 425.16,  
 3 dismissing the first, second, third, fourth, fifth, sixth, eleventh, twelfth, thirteenth,  
 4 and fourteenth claims in Plaintiff Philip Smith’s (“Plaintiff’s”) complaint for failure  
 5 to state a claim.

6 Dismissing the complaint pursuant to Federal Rule of Civil Procedure  
 7 12(b)(6) is warranted because, in accordance with CCP § 425.16: (i) Plaintiff’s  
 8 alleged factual basis for the claims at issue constitute protected activity; (ii) Plaintiff  
 9 cannot prevail on the merits of the claims as pled; and (iii) Plaintiff’s allegations are  
 10 brought primarily to chill the valid exercise of Andrews’s constitutional right to free  
 11 speech.

12 **PLEASE TAKE FURTHER NOTICE** that Andrews respectfully requests  
 13 to recover her reasonable attorneys’ fees and costs from Plaintiff in the amount of  
 14 \$8,125.00. This Motion is made pursuant to CCP § 425.16, and is based on this  
 15 Notice of Motion and Motion, the Memorandum of Points and Authorities, the  
 16 Declaration of Charles G. Smith, the Declaration of Noël Andrews, the exhibits  
 17 attached to the declarations as well as all documents on file in this action, and upon  
 18 such other evidence and oral argument as may be presented to the Court at the time  
 19 of the hearing.

20 This motion is made following the conference of counsel pursuant to L.R. 7-  
 21 3, which took place on November 22, 2022.

22 Counsel for Smith stated that Smith would oppose this motion.

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1 For the reasons stated above and as described more fully in the accompanying  
2 memorandum, Andrews respectfully requests that this Court grant Andrews's  
3 special motion to strike.  
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5 DATED: December 9, 2022

Respectfully submitted,

6 LAW OFFICES OF CHARLES G.  
7 SMITH, APC  
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10 By: 

Charles G. Smith

Attorneys for Defendant Noël Andrews  
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**PROOF OF SERVICE**

***Philip Smith v. Ryan Compton, et al., United States District Court, Central District of California, Western Division***  
**2:22-cv-08439 MWF (PLAx)**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 15303 Ventura Boulevard, Suite 1650, Sherman Oaks, CA 91403-6620.

On December 9, 2022, I served true copies of the following document(s) described as **DEFENDANT NOEL ANDREWS'S NOTICE OF SPECIAL MOTION AND SPECIAL MOTION TO STRIKE THE FIRST AMENDED COMPLAINT PER FED. R. CIV. P. 12(b)(6) AND CCP § 425.16 & REQUEST FOR SANCTIONS** on the interested parties in this action as follows:


Daniel A. Crawford  
 Roza Crawford  
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Attorneys for Plaintiff Philip Smith

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on December 9, 2022, at Northridge, California.

  
 Charles G. Smith

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